



STATE OF MICHIGAN  
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DEPARTMENT OF STATE  
LANSING

November 20, 2009

**Constitutional Convention Proposal  
-- November 2, 2010 General Election Ballot --**

**2010 Con-Con Proposal**

- A question on calling a Constitutional Convention will be Proposal 10-1 on the November 2, 2010 general election ballot. (MCL 168.474a)
- The placement of the proposal on the ballot is required under Art. XII, Sec. 3, of the State Constitution:

“At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state....”

**Brief History**

Michigan has conducted six Constitutional Conventions. In four instances, the voters adopted the recommended Constitutions (1835, 1850, 1908 and 1963); in two instances, the voters rejected the recommended Constitutions (1867 and 1874).

**Previous Constitutional Conventions**

<i>Year</i>	<i>Approx. Duration</i>	<i>Voter Decision on Cons.</i>
1835	1.5 months	Adopted October 1835
1850	2.5 months	Adopted November 1850
1867	3 months	Rejected
1873	2 months	Rejected
1907	4.5 months	Adopted November 1908
1961	7 months	Adopted April 1963

### Constitution of 1835

- **The Constitution of 1835** was adopted two years before Michigan became a state. The Constitutional Convention of 1835 met at the Territorial Capitol in Detroit on May 11, 1835, and adjourned on June 24, 1835. The Constitution of 1835 was adopted at an election held on October 5 and 6, 1835 (6,752 “Yes”; 1,374 “No”). The adoption of the Constitution was a key step in the process for achieving statehood under the Ordinance of 1787.

### Constitution of 1850

- On June 3, 1850, a Constitutional Convention met at Lansing and completed its revision on August 15. **The Constitution of 1850** was adopted at the election of November 5, 1850 (36,169 “Yes”; 9,433 “No”).
- In 1866, voters approved a Constitutional Convention, however, the proposed Constitution was rejected by the voters in 1867 (71,733 “Yes”; 110,582 “No”). Proposed revisions in the Constitution offered by a Constitutional Commission in 1873 were similarly rejected by the voters in 1874 (39,285 “Yes”; 124,034 “No”).
- Questions to call a Constitutional Convention failed to pass in 1882, 1892, 1898 and 1904. (In 1892, 1898 and 1904 the proposals were approved by a majority voting on the question, but not a majority voting in the election resulting in the defeat of the proposal under the laws in place at that time.)

### Constitution of 1908

- A question to call a Constitutional Convention presented in 1906 was approved. On October 22, 1907, a Constitutional Convention convened at Lansing and completed its revision on March 3, 1908. **The Constitution of 1908** was adopted on November 3, 1908 (244,705 “Yes”; 130,783 “No”).
- Questions to call a Constitutional Convention failed to pass in 1926, 1942, 1948 and 1958. (In 1948 and 1958 the proposals were approved by a majority voting on the question, but not a majority voting in the election resulting in the defeat of the proposal under the laws in place at that time.)

### Constitution of 1963

- In 1960, the State Constitution was amended through an initiative petition drive (“Gateway Amendment”) to:
  - 1) require only a majority voting on the Constitutional Convention question for approval as opposed to a majority voting in the election;
  - 2) change the formula for electing delegates (old formula: three from each State Senate District; new formula: one from each State Senate and State House District);

- 3) require that an election on calling a Constitutional Convention be conducted on April 3, 1961.

The 1961 question on calling a Constitutional Convention passed by a slim margin (596,433 “Yes”; 573,012 “No”).

- A statewide partisan primary was conducted on July 25, 1961 to nominate candidates for the 144 delegate positions. (At that date, Michigan had 34 State Senate Districts and 110 State House Districts.) A statewide partisan election was conducted on September 12, 1961 to fill the delegate positions (99 Republicans; 45 Democrats). The delegates met at Convention Hall in the Civic Center, Lansing, on October 3, 1961, and approved a proposed Constitution on August 1, 1962. **The Constitution of 1963** was adopted on April 1, 1963 (810,860 “Yes”; 803,436 “No”). (A recount was conducted.) The Constitution of 1963 went into effect on January 1, 1964.
- Questions on calling a Constitutional Convention failed to pass in 1978 (640,286 “Yes”; 2,112,549 “No”) and 1994 (777,779 “Yes”; 2,008,070 “No”).
- Since the adoption of the State Constitution of 1963, 68 proposed amendments to the Constitution have been presented on the ballot for a vote of the people. Thirty-one of the amendments were approved and 37 were rejected. Of the 68 proposed amendments, 42 were placed on the ballot by the State Legislature (21 were approved and 21 were rejected) and 26 were placed on the ballot by initiative petition (10 were approved and 16 were rejected).

#### **What Can Happen in 2010?**

- If the 2010 Con-Con question is defeated, no further action is required and the question will appear again on the 2026 November general election ballot.
- If the 2010 Con-Con question passes, Art. XII, Sec. 3, of the State Constitution provides that a statewide partisan election must be held within six months after the final certification of the November 2, 2010 general election to elect 148 delegates to the Constitutional Convention. (One delegate would be elected from each of Michigan’s 38 State Senate Districts and 110 State House Districts.) The election would be preceded by a statewide partisan primary to nominate candidates for the positions.

“... If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than six months after the proposal was certified as approved, the electors of each representative district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate at a partisan election. The delegates so elected shall convene at the seat of government on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.”

- In view of the above requirements and Michigan's current four date election calendar, it is probable that the primary would be conducted on February 22, 2011 and the election would be conducted on May 3, 2011.
- At this date, legislation is needed to provide a process for electing candidates to the delegate positions as the statutes that governed the delegate election process for the 1961-62 Constitutional Convention were repealed under PA 35 of 1967.

#### **What If a Constitutional Convention Is Conducted?**

- In Michigan, Constitutional Conventions are not limited in scope: it can propose an entirely new Constitution or offer specific amendments to the present Constitution.
- Art. XII, Sec. 3, of the State Constitution provides that any proposed Constitution or amendments approved by a majority of the delegates must be submitted to the voters not less than 90 days following the final adjournment of the Constitutional Convention.

"No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention."